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10

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13

14 Julie A. Su,  
15 Acting Secretary of Labor,  
United States Department of Labor,

16 Plaintiff,

17 vs.

18 **NAB LLC d/b/a NAB NAIL SALON d/b/a**  
19 **NAB NAIL BAR**, a Nevada limited liability  
20 corporation, **ASIA TRINH**, an individual and  
managing agent of the Corporate Defendant,  
21 **NICOLE BROWN**, an individual and managing  
agent of the Corporate Defendant,

22 Defendants.

23 Case No.: 2:21-cv-00984-JAD-VCF

24 **UNOPPOSED MOTION TO STRIKE**  
25 **ECF NO. 64.**

1       The Acting Secretary requests that the Court strike ECF No. 64 because the filing is  
 2 rendered moot. On August 30, 2023, Defendant Trinh, who was unrepresented at the time, filed  
 3 a “Motion for Summary Judgment.”<sup>1</sup> *See* ECF No. 64. The document itself, however, is titled  
 4 “Response to the Secretary of Labor [sic] Motion for Sanctions.” *Id.* Shortly thereafter, on  
 5 September 11, 2023, Defendants retained new counsel. *See* ECF No. 68. On September 14,  
 6 2023, the Acting Secretary was advised by Defendants’ counsel that Defendant Trinh  
 7 inadvertently filed ECF No. 64 as a motion for summary judgment rather than an opposition to  
 8 the Acting Secretary’s Motion for Sanctions. On September 20, 2023, Defendants’ counsel  
 9 filed an opposition to the Acting Secretary’s Motion for Sanctions on behalf of Defendants. *See*  
 10 ECF No. 71. The undersigned counsel, upon conferring with Defendants’ counsel, was advised  
 11 that Defendants’ counsels’ September 20, 2023 opposition (ECF No. 71) renders Defendant  
 12 Trinh’s attempted opposition (ECF No. 64) moot, and the motion to strike herein is unopposed.  
 13 The Acting Secretary therefore requests that the Court strike ECF No. 64.

14  
 15 Dated: September 29, 2023

Respectfully submitted,

SEEMA NANDA  
 Solicitor of Labor

MARC A. PILOTIN  
 Regional Solicitor

ANDREW SCHULTZ  
 Counsel for Wage and Hour

KATHRYN A. PANACCIONE

/s/Paige B. Pulley

Paige B. Pulley  
 Trial Attorneys  
 Attorneys for Plaintiff

21 IT IS SO ORDERED.

22 IT IS FURTHER ORDERED that Plaintiff’s  
 Motion for Summary Judgment (ECF No. 64)  
 is struck from the record.

23  
  
 U.S. MAGISTRATE JUDGE

24 Dated: October 2, 2023

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 26  
 27  
 28 <sup>1</sup> If ECF No. 64 was intended as a motion for summary judgment it should be stricken for failure  
 to comply with Local Rule 56-1 and Federal Rule of Civil Procedure 56(b).